

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ASHLEY BOSTIC, individually)
and on behalf of all other similarly)
situated consumers,)
Plaintiff,)
vs.) No. _____
GENERAL REVENUE)
CORPORATION,)
Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant General Revenue Corporation (“GRC”) hereby gives notice of the removal of this action from the Circuit Court of Madison County, Alabama, to the U.S. District Court for the Northern District of Alabama, Northeastern Division. Plaintiff’s sole cause of action involves a question of federal law under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* Therefore, the Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331. In further support of removal, Defendant states the following grounds:

1. Plaintiff Ashley Bostic (“Plaintiff”) filed this putative class action lawsuit

against GRC in the Circuit Court of Madison County on February 10, 2021. The case number in the Circuit Court is 47-cv-2021-900206.00.

2. GRC was served with the Complaint on February 16, 2021. A copy of the as-served Complaint and summons is attached as **Exhibit 1**. No other process, pleadings, or orders were served on GRC.

3. In her Complaint, Plaintiff alleges GRC sent a collection letter seeking payment on her outstanding student loan debt and, in her sole cause of action, she alleges that the collection letter violated the FDCPA, a federal statute. Plaintiff purports to bring a class action.

4. Under 28 U.S.C. § 1331, federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The Court therefore has original jurisdiction over Plaintiff’s claims, which arise under federal law. *See Gunn v. Minton*, 568 U.S. 251, 257 (2013) (“Most directly, a case arises under federal law when federal law creates the cause of action asserted.”).

5. Based on the foregoing, this case may be removed under § 1441(a), which provides:

[A]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. This civil action was originally filed in Madison County, which is within the Northern District of Alabama, Northeastern Division. 28 U.S.C. § 81(a)(2). Therefore, venue is proper in this Court. *See* 28 U.S.C. § 1446(a) (“A defendant . . . desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal . . .”).

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly served on Plaintiff’s counsel and filed with the Madison County Circuit Court.

8. This notice is timely under 28 U.S.C. § 1446(b)(1) because GRC is filing it within 30 days of being served with the Complaint.

9. There are no other Defendants in this action whose consent is required for removal.

10. By filing this Notice of Removal, GRC has not waived, and expressly reserves, its right to raise any and all procedural and/or substantive defenses.

WHEREFORE GRC requests that the Court accept jurisdiction over this civil action and issue all necessary orders and process to remove this civil action from the Circuit Court of Madison County to the United States District Court for the Northern District of Alabama.

Respectfully submitted on March 16, 2021.

s/Charles W. Prueter

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**Pro hac vice applications forthcoming*

Counsel for Defendant General Revenue Corporation

CERTIFICATE OF SERVICE

I certify that on March 16, 2021, I electronically filed the foregoing document and exhibit with the U.S. District Court for the Northern District of Alabama. I further certify that I will serve a copy of the same via U.S. Mail and email on counsel for Plaintiff Ashley Bostic.

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s/Charles W. Prueter

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